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ABSTRACT

Investigative journalists long have had an adversarial relationship with powerful institutions and those in public office, stemming from the "righteously indignant" reporters of the early nineteenth century penny presses who guarded the interests of the public. Currently, investigative journalists are in a difficult position if they have to report news of moral transgressions, while remaining morally neutral. When documenting transgressions, they tend to circumvent the problem by (1) citing the law, (2) citing codes of conduct, (3) citing experts, or (4) appealing to common sense. Yet all news, how objective it purports to be on its "surface level" is inherently linked to morals because the subject(s) of the story have crossed some moral boundary, identified by the reporter. Hence reporters in their role as "watchdogs" not only reflect the moral norms of society but actively fashion and legitimate the very consensus they ostensibly only convey. However, because investigative journalists select from a limited range of dominant moral standards, accept these standards uncritically, and present them "objectively," they can evade responsibility for contributing to the definition and legitimation of what usually appears to be an "independent" moral order. The values journalists espouse in the "deep level" of their stories only become apparent in a historical and cultural treatment of news. (Seven endnotes and 46 references are included.) (JC)

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INVESTIGATIVE JOURNALISM AND THE LEGITIMATION OF MORAL ORDER

Nothing in western journalism is more in vogue than the investigative reporter, those "bold and provocative journalists," as one leading text describes them, who refuse "to be confined to the stenographic role that had been ordained for them" (Hohenberg, 1978: 8). It is now quite fashionable for investigative journalists to present themselves as the true guardians of the public interest. For it is now almost commonplace for the press to position itself as the "lifeline of democracy in reporting upon the use, misuse, and abuse of power," a lifeline that requires, of course, a "large and effective corps of truly professional nonpartisan investigative reporters and editors" (Mollenhoff, 1978: 354-355).

No doubt fueled by the Washington Post's now legendary efforts in the early 1970s to uncover corruption in the Nixon White House, the rise of investigative journalism represents nothing less--and perhaps nothing more--than a renewed interest in a watchdog or adversary press. To be sure, the adventures of Carl Bernstein and Bob Woodward--and especially the adventures of their celluloid counterparts, Dustin Hoffman and Robert Redford--mark the beginning of what has become an extended celebration of the bravado spirit of "hard-hitting" reporters whose work affirms the importance of a free and unintimidated press. Above all else, it is a celebration of the notion that the public interest is best served by a continuing rivalry between the press and the powerful.

That investigative journalism pits the press against power, particularly but not exclusively the power of the state, underscores its fundamentally populist view of the role of the press. Though not unmindful of the drudgery of long hours of routine and often mundane work, the burgeoning literature on investigative journalism[1] presents an unabashedly heroic profile of the investigative reporter. With titles like The Typewriter Guerillas (Behrens, 1977) and Raising Hell (Weir & Noyes, 1983),[2] investigative reporters appear in the role of "newsroom irregulars" whose news stories "attack, charge, inflame, accuse, harass, intimidate, incriminate, and sometimes damage or destroy people, organizations, agencies, and government on your behalf and mine" (Behrens, 1977: xxiv); they appear, ultimately, in their role as the final challenge to the authority of government, which is important, we are told, because "realistically, the public cannot count upon any administration to do a strict job of policing itself" (Mollenhoff, 1978: 354).

But what best expresses the glory and romance of investigative reporting--and what best captures the essence of an adversary press--is "righteous indignation," a term coined by Ida Tarbell nearly a century ago as her characterization of what propelled the muckrakers of the late 1800s. The contemporary version is IRE!, the acronym for Investigative Reporters and Editors, a national organization founded in 1975. It, too, conveys the journalist's sense of outrage.

IRE! and "righteous indignation" serve well not for what they describe but for their unmistakably moral tone. And what is

significant about their moral tone is its apparent opposition to the presumed impartiality of the press. Indeed, the moral implications of an "indignant" or "outraged" press bring into focus one of the central contradictions of contemporary American journalism: How can the press function as the "custodian of conscience," as Bethell (1977) puts it, and at the same time claim to be morally disengaged? That is, how can investigative reporters expose wrongdoing without making a moral judgment? And more important, what are the enduring consequences of a press whose dealings with questions of morality must be presented under the guise of moral neutrality?

In Deciding What's News, Herbert Gans offers an insightful, though underdeveloped, answer to these questions: Journalists in general--and investigative reporters in particular--can maintain their commitment to the canons of objectivity and still distinguish between right and wrong if questions of right and wrong appear in strictly empirical (as opposed to moral) terms. The press can therefore evade the normative "ought" and concentrate instead on the descriptive "is" by limiting their investigative stories to empirically incontrovertible instances of wrongdoing. For example, Gans explains, the quintessential investigative story--the expose--"typically judges the exposed against their own expressed values, and these can be determined empirically by the reporter; as a result, even his or her value judgment is considered objective" (1979: 183). And because this "objectification of moral claims," as it might be called, necessarily upholds, not challenges, the prevailing moral order, Gans posits a fundamentally conservative role for a watchdog or adversary

press: It conserves the status quo insofar as it "reinforces and relegitimates dominant national and societal values by publicizing and helping to punish those who deviate from the values" (1979: 293).

Our goal here is to refine and enrich--and to a degree revise--Gans' understanding of the relationship between investigative journalism and moral order. Specifically, our objective is threefold: (i) to provide a brief account of the origins and influence of the tradition of adversary journalism, with emphasis on the paradoxical connection between journalism's moral absolutism and its professional claim to moral neutrality; (ii) to use material gathered from interviews with leading investigative reporters to illustrate how the tradition of an adversary press manifests itself in the day-to-day world of the investigative reporter; and (iii) to examine how the tradition of adversary journalism and the practices of investigative reporting contribute to the creation and legitimation of a moral order inextricably tied to society's moral authorities.

The Tradition of Adversary Journalism

In his celebrated Commentary essay on "The Presidency and the Press," published a full three years before Richard Nixon's resignation, Daniel Moynihan lamented "an almost feckless hostility to power" among members of the press. Due in large measure to the rising social status of its practitioners, Moynihan argued, "the press grows more and more influenced by attitudes

genuinely hostile to American society and American government" (1971: 43). What was now "a conspicuous element in journalistic practice" was what Lionel Trilling (1965) had called an "adversary culture," a "culture of disparagement," as Moynihan put it, that "has exerted an increasing influence on the tone of the national press in its dealings with the national government" (52). A decade later, in his presidential address to the American Society of Newspaper Editors, Michael J. O'Neill (1983: 8) sounded a similar alarm when he complained bitterly about the press's "adversarial posture toward government and its infatuation with investigative reporting." A more appropriate editorial philosophy, O'Neill proposed, would involve a "clear but uncrabbed view of the world"; it would be "more positive, more tolerant of the frailties of human institutions and their leaders" (15, 12).

Obviously not without its critics,[3] the view of government and the press as adversaries nonetheless endures as the unspoken ethos of American journalism. Whether it manifests itself as exaggerated cynicism or healthy skepticism, whether it represents what Moynihan regards as the genuine hostility of routinely antagonistic journalists or what others view as interests of Constitutional significance (cf. Blasi, 1977), the ideal of an adversary press, an ideal of mythic proportions, has long informed the dominant view of the role of the American press. While it may be true that only a minority of journalists expressly endorse an adversary role for the press (Weaver and Wilhoit, 1986), it is probably just as true that an adversarial attitude

"has always lurked in the psyche of American journalists" (O'Neill, 1983:8). It is telling that a recent study by the Hasting's Center, a study critical of the logic of "adversarialism," found that today the relationship between Congress and the press can be "characterized by the legitimization, although not the regular practice, of what has come to be called adversary journalism" (Callahan, 1985:13).

The notion of an adversary or watchdog press is, in short, a tradition with deep roots. Indeed, its history begins where the history of modern journalism begins: the penny press.

The Penny Press and the Public Interest

A radical departure from its six-cent counterpart, the penny press of the 1830s aimed at a readership beyond the mercantile and political elite. It sought to reach "the great masses of the community--the merchant, the mechanic, working people--the private family as well as the public hotel--the journeyman and his employer--the clerk and his principal," as James Gordon Bennett explained in 1835 in the first issue of his New York Herald (quoted in Lee, 1923: 95). To reach this new and largely unserved audience, the penny press took to the streets. Its news was not only sold daily, in contrast to the annual subscription ordinarily required for the day's commercial or political news, but aggressively by "shouting, pavement-wise little urchins," as historian Bernard Weisberger (1961: 93-94) portrayed them, who would dart, "through trains and steamboats, across crowded business districts, and up and down residential streets."

Street sales underscored the undifferentiated circulation of the penny papers and signaled the beginning of the decline of the special interest press. The penny press wanted to appeal to everyone's interest and thus, logically, it stood in opposition to anyone's "special" interest--except, of course, its own, which presumably corresponded to its professed policy of indifference. Street sales sustained this policy of indifference insofar as the "nonsubscriber plan," as Bennett once called it, served to insulate the newspaper from the unwanted influences of its readers. Ultimately, this insulation and indifference, according to Bennett, accounted for the independence of the penny press, which, in turn, explained its great appeal. The Herald, Bennett claimed, was truly free "simply because it is subservient to none of its readers--known to none of its readers--and entirely ignorant who are its readers and who are not" (quoted in Schudson, 1978: 21).

The self-proclaimed independence of the penny press enabled it to pursue what was then an entirely novel approach to journalism: "surveillance of the public good" (Schiller, 1979: 47). Unburdened by party patronage or the "men of commerce," the penny papers introduced and cultivated a new role for the press; they "facilitated the transformation of the infamous self-interest of the elite press into an interest that seemed to embrace the whole people" (Schiller, 1981: 76). The Baltimore Sun expressed it well:

> We shall give no place to religious controversy nor to political discussions of merely partisan character. On political principles, and questions involving the interests or honor of the whole country, it will be free, firm and temperate. Our object will be the common good

> without regard to that of sects, factions, or parties; and for this object we shall labor without fear or partiality (quoted in Bleyer, 1927: 180).

Disengaged from the worlds of politics and commerce, and consequently less opinionated than the partisan press and less overtly self-interested than the commercial press, the penny press transcended what had been the circumscribed world of daily journalism (cf. Schiller, 1979; Schudson, 1978). With presumably no cause to advocate and no interest to promote, the penny press could offer, it claimed, a more dependable and authentic "news," a report untainted by the political, social, and economic values that had for so long defined the content of daily newspapers.

That the penny press championed the values of its predominantly working class public served not to diminish but to strengthen faith in its authentic and "value-free" news; for the values of its readers, especially when those values were cast in terms of political or economic opportunity, were not treated as values but as "natural rights." Thus without apparent contradiction, the penny press could claim to be both the "private defender of the public good" (Schiller, 1981: 47-45) and the recorder of what Bennett said would be "facts on every public and proper subject, stripped of verbiage and coloring" (quoted in Lee, 1923: 195).

Progressivism and the Press

Whereas the Jacksonian era, the 1830s, gave rise to the penny press and its vision of an independent and impartial journalism, the Progessive era, roughly the turn-of-the-century, brought to journalism a deepening distrust of urban bureaucracies and a

dedication to reform. Rapid industrialization between 1840 and 1860, followed by nothing short of a "communications revolution" that began decisively in the 1890s with the introduction of magazines for national distribution (Carey, 1969), transformed not only city life but the press's treatment of it. The city was no longer what Robert Park (1925: 94, 96) described as "a mosaic of little neighborhoods...in which the city dweller still maintained something of the provincialism of the small town"; and the metropolitan newspaper was no longer content with "the theory that its business was to instruct.

The Progressive movement emerged in opposition to cities growing larger and more centralized in their control over individuals. Progressives opposed the increasing concentrations of power and what was regarded as its inevitable abuse. The Progressive era, in short, moved to reconstitute the individual as the primary agent of power; it sought to embrace a Social Darwinism that promoted "natural selection" as the most democratic social order.

Not suprisingly, Progressivism and the press became immediate allies. Journalism's sense of independence, its disdain for "special" interests, and its commitment to news of general or "public" interest--all the legacy of the penny press--coincided well with the Progressive call for reform. This was especially true in the larger cities where metropolitan dailies could expose their reporters to "the seamy side of urban life and shake them into awareness of what was happening in the unsullied republic of their schoolbooks" (Weisberger, 1961: 160).

The urban press fed the Progressive movement through its coverage of crime, corruption, poverty, and hypocrisy. And in turn the Progressive movement fed the urban press: the "crusading tradition" turned out to be good for business. In fact, a number of publishers--Joseph Pulitzer and William Randolph Hearst chief among them--turned sensationalized accounts of greed, vice, and other urban ills into a veritable livelihood. Pulitzer's crusades, for example, helped his St. Louis Post-Dispatch grow from a circulation of 4,000 to 23,000 in only three years (Leonard, 1986: 174).

But the daily newspaper reporter's greatest contribution to the Progressive era appeared not on the pages of a newspaper but in the new magazines of national prominence. Jacob Riis, Lincoln Steffens, David Graham Phillips, Samuel Hopkins Adams, Ray Stannard Baker--all first newspapermen--published their "muckraking" in such magazines as McClure's, Everybody's, Munsey's, and Colliers (Weisberger, 1961: 160). Much in the tradition of the penny press, the "muckraking magazines" of the Progressive era had "triple the circulation of the older monthlies and sold at a third of the price"; with "bolder editing and greater use of photographs, the new monthlies brought vivid stories of corruption to hundreds of thousands of Americans who were used to nothing more than disjointed newspaper accounts" (Leonard, 1986: 185).

The muckraker's expose, and even the sensational journalism of Hearst and Pulitzer, benefitted enormously from what was becoming the hallmark of the new century: reverence for the logic of science and faith in the power of detached observation.

What made muckraking credible--indeed, what made it possible--was the press's distance from the subject of its exposes; for no one "could unearth a scandal," Weisberger (1961: 160) reminds us, "as effectively as a man with no vested interest in any part of the scandal-making mechanism."

The independence of the press now meant allegiance to unadorned "facts," and allegiance to facts--and nothing but the facts, no matter how outrageous they might be--became nothing less than an occupational obligation. Soon rationalized into "a canon of professional competence and an ideology of professional responsibility," the idea of an "objective" press conveyed a "reassuring sense of disinterest and rigor" (Carey, 1969: 33,36). Although its origins date back to the penny press of the 1830s, the ascendancy of objectivity during the Progressive era marked the beginning of what Hallin (1985: 129) describes as the "scientization of journalism," a time when the "changing conventions of journalism paralleled the rise of science as a cultural paradigm against which all forms of discourse came to be measured." With straightforward, factual reports based on "detached observation," journalists, like scientists, positioned themselves as "value-free" in their treatment of "value-free" facts. Consequently, news judgment appeared not as a value-laden determination but as an essentially impartial and disinterested response to the day's events, issues, and personalities.

Objectivity and the Ideology of News

Journalists today, Gans finds, are "Progressive reformers"

in that their values are the values of the Progressive movement of the early twentieth century. Like the Progressives, journalists support individualism and resist "collective solutions, other than at the grassroots level"; the resemblance, says Gans, "is often uncanny, as in the common advocacy of honest, meritocratic, and anti-bureaucratic government, and in the shared antipathy to political machines and demagogues, particularly of populist bent" (1979: 69). Sorauf (1987), for example, in his recent study of the New York Times, the Washington Post, and the Los Angeles Times, found "a pervasive neo-Progressive outlook on the reporting of American campaign finance":

> The conflicts between narrow, special interests and those of the broader public that are the essence of the Progressive view provide precisely the drama, conflict, and reader appeal that successful journalism demands. Reports of campaign finance tend generally to be abstract, impersonal, and beset with numbers; they are not good copy unless one finds knaves, buccaneering PACs [Political Action Committees], or lavish campaign spending in them. But stories about declining numbers of PACs or stabilizing spending levels also conflict with the fundamental understandings of the Progressive vision--with the long-term reality of the corrupting capacity of money in the hands of special interests (41).

But what Gans, Sorauf and others do not always make clear is that while Progressive values may inform the values of mainstream American journalism, it does not follow that Progressive values inform--or even coincide with--the values of individual publishers and the editors and reporters with whom they work.

The distinction between the values of journalists and the values of journalism is crucial because it focuses attention on two very different aspects of a news story's bias: bias attributable to the individuals (reporters and editors) who produce

the story, and bias attributable to the very structure of the story itself. Hall (1982) elaborates on this distinction by calling into service Chomsky's (1957) distinction between "surface meaning" and "deep structure." Bias attributed to a news story's surface meaning refers to the "manifest biases and distortions" inherent in any specific use of language. Bias attributed to a news story's deep structure, however, alludes to the latent biases and distortions inherent in any system of language. Surface meaning, in other words, represents one of a variety of "transformations" generated out of, or permitted by, the "grammar" of its deep structure.

When journalists talk about bias they ordinarily mean the kind of manifest bias found in surface meanings. And it is precisely in response to this kind of bias, particularly when the bias is overtly partisan, that reporters employ techniques and strategies designed to insure balance and impartiality--"objectivity," in short (cf. Tuchman, 1972). But when the bias of news is defined in the larger context of its deep structure, the narrower meaning of objectivity becomes problematic; for in this larger context objectivity is itself a bias--a bias in favor of certain presuppositions about the "world outside" and how that world, to complete the title of Walter Lippmann's (1922) famous essay, ends up as "pictures in our head."[4] This larger bias, to which the term "ideology" appropriately applies, typically evades scrutiny and defies the label "bias," however, because among journalists objectivity remains, to use Kuhn's (1970) terminology, the "dominant paradigm"; its bias, therefore, appears "normal" and thus the label "bias" appears inapt.[5]

So ideology as an aspect of bias operates not at the level of a news story's surface content but at the level of its deep structure. The ideology of news, then, refers not to the biases or values of individual journalists but to the reservoir of themes, premises, and assumptions that have come to define the "system of signification" we call "news." At the level of ideology, it follows, news needs to be viewed, as Hall recommends, as a "discursive object" with a "particular discursive formulation" that determines--for reporters and readers alike--what is and what is not "ideologically correct."

Of course, journalists do not talk about deep structures, discursive formulations, or what is or is not "ideologically correct." But they do talk about something even more difficult to comprehend: news judgment.

News judgment is as mysterious as it is because journalists are not consciously aware of news at the level of its deep structure. Just as most of us cannot recite in detail the rules of grammar but can manage to construct grammatically correct sentences, journalists cannot make explicit the logic of news but can manage to identify news at a moment's notice. From the perspective of the press, the production of news, as Rock (1973:74) observes, is "governed by an interpretative faculty called 'news sense' which cannot be communicated or taught."

In the absence of formal rules or standards, journalists' "news sense" derives from the unstated conventions--the "hidden consensus," Hall calls it--that serve as a guide through "a whole series of selections as to what items shall be printed, in what position they shall be printed, how much space each shall occupy,

what emphasis each shall have" (Lippmann, 1922: 223). Unable to articulate "news judgment" beyond vague and largely tautological reference to "importance" or "reader interest," knowing news can appear to be little more than a masterful physiognomy--a nose for news or an eye for truth. "This smells right" was thus Washington Post editor Ben Bradlee's explanation for why he decided to publish Seymour Herch's expose of the Army massacre at My Lai (quoted in Chase, 1971: 17).

But, significantly, journalists do not view news judgment as a mystery. They view it as a self-evident professional claim about the empirical world--a claim about something being more or less newsworthy. And what is interesting about this professional claim--indeed, what makes it a professional rather than a personal claim--is its complicitous connection to what remains the centerpiece of professionalism in journalism and elsewhere: objectivity.

As a professional ideal, objectivity succeeds inasmuch as it locates news away from--and independent of--the press. For when news is viewed as a wholly autonomous phenomenon, journalists can limit their responsibility to the skillful but rather unproblematic task of its recognition, description, and transmission. Just as scientists like to think of themselves as gathering and presenting "data," journalists like to think of themselves as gathering and presenting "news"; in either case, nothing could be a more scandalous breach of professionalism than "creating" what presumably can be only "discovered" and "reported." Objectivity, therefore, casts the journalist in a decidedly passive role by

defining news not as a human creation but as a fundamentally natural phenomenon for which journalists can neither take credit nor accept blame.

Because objectivity enables journalists to deny any but the most passive role in the production of news, news seems to take on a life of its own. Progressively detached from the very history and culture that accounts for its existence, news is thus positioned to be a self-generating and self-fulfilling paradigm. This paradigm survives over time as one generation of journalists learns the practices of the previous generation; and it survives over great distances as one newsroom learns to appreciate the similar constructions of news in other newsrooms. Not only does news become a tradition embedded in the practices of a particular newsroom, the solipsism of newswork spreads the tradition to other newsrooms:

> Once some newspaper ratifies an event as news, others may accept that ratification and treat the event as independently newsworthy. Journalists religiously read their own and others' newspapers; they consult one another; and look for continuities in the emerging world which their reporting has constructed. In this process, a generally consistent interpretation is maintained and built up. It possesses an independent and impersonal quality which makes it seem compelling (Rock, 1973: 77-78).

Objectivity is important, then, because it effectively conceals or submerges journalism's values--values of the kind embedded in any discourse, scientific or otherwise--and allows the press to present its decisions "as reactions to the news rather than a priori judgments which determine what becomes newsworthy" (Gans, 1979: 183). And this is especially relevant in our assessment of investigative journalism, because objectivity con-

bines with the tradition of a watchdog press to provide journalists with the justification they need to protect the public interest by focusing narrowly on wrongdoing. Callahan (1985: 13) sums it up well: "Adversary journalism has greatly reinforced the idea, already implicit in the progressive notion of objectivity, that the press, as a surrogate for the people, has a responsibility to hold government accountable, root out wrongs, expose corruption, and help throw the rascals out of office."

Investigative Reporting and Moral Disorder News

Moral disorder news, as Gans (1979) defines it, involves revelations of "instances of legal or moral transgressions, particularly by public officials and other prestigious individuals who, by reason or virtue of their power and prestige, are not expected to misbehave" (50). In contrast to social disorder news, which "monitors the respect of citizens for authority," moral disorder news evaluates "whether authority figures respect the rules of the citizenry" (60). However, we prefer a broader definition provided by Hall et al. (1978: 66): any story or report that "evokes threats to, but also reaffirms, the consensual morality of society." We prefer the broader definition because it better accommodates what has long been the most popular subject of moral disorder news: crime.

Crime remains a popular topic for journalists in part because crime, as a permanent and recurrent phenomenon, lends itself well to the kind of highly routinized and thus highly efficient coverage newsrooms need to generate their daily quota

of news. Because the sources of crime news--essentially the police and the judiciary--are taken by journalists to be authoritative and therefore immediately credible in the information they provide (cf. Fishman, 1980), the facts about crime can be gathered and processed with a minimum of resources. Moreover, crime news is comparatively easy to "find" because it appears in three handy "typifications": news about a particular crime, which usually comes from the investigating officer; news about crime in general, which usually comes from statistics supplied by a law enforcement administrator; and news about how society treats its criminals, which usually comes from the courts (cf. Hall et. al., 1978). It is no coincidence, then, that the "police beat" can be--and often is--assigned to the most junior member of the news staff.

But what also accounts for the press's enduring interest in crime--and what explains the attraction of readers to news about crime[6]--are the moral implications of crime and the moral challenge posed by the press in its treatment of crime. From the earliest days of the penny press, crime news represented a unique opportunity for a newspaper to play the role of "the protagonist of the common man" (Hughes, 1940: 279). As Schiller observes in his study of the National Police Gazette,[7] not only did crime news serve "as a concrete indicator of the vitality of the principle of natural rights," but the "facts of crime and state corruption showed that continuing, comprehensive evaluation of the state's performance in the redress of crime was necessary to ensure that the state's supervision of public good indeed was scrupulously impartial and just" (1981: 179, 170). Crime news,

it follows, enables the press to both honor the importance of moral order and act as a check--a watchdog--on the state's success as the official keeper of that order.

Crime news, however, as important as it may be as a means of monitoring the state and the state's dealings with questions of public morality, limits the role of the press in two important ways. First, news of crime deals only with moral transgressions that are also legal transgressions. Second, news of crime presents the state--chiefly the police and the courts--as the guardian of moral order. And these limitations serve well to distinguish crime news from the kind of moral disorder news that requires a more aggressive, a more overtly adversarial press; they serve well, that is, to distinguish crime news from the genre of moral disorder news that requires "investigative reporting."

Unlike crime news, the news produced by investigative reporters is not as a rule limited to illegal conduct; rather, investigative reporters deal more broadly with illegitimate conduct. And in contrast to police beat reporters, investigative reporters do not ordinarily present the state and its agencies as the guardians of moral order; instead, investigative reporters are likely to cast themselves--or, more modestly, "the press"--in that role. Accordingly, there are three basic distinctions between the daily beat reporter who writes about crime and the investigative reporter who exposes wrongdoing: (1) the investigative reporter deals with a broader conception of immorality and consequently confronts a greater variety of definitions of moral transgression; (2) daily reporters are essentially reactive in

that they report violations of morality that are already a matter of public record, whereas investigative reporters are basically proactive in that their stories bring to light heretofore unknown instances of wrongdoing; and (3) daily reports of crime tend to presuppose the success of the state in maintaining, or at least controlling, moral order, but reports from investigative journalists tend to point to a fundamental failure in the maintenance of moral order.

As we have pointed out elsewhere, these and other differences between daily reporting and investigative reporting require daily reporters and investigative reporters to operate with somewhat different epistemologies. Whereas the objectivism of daily journalism rest on what Fishman (1980) calls "bureaucratically credible" facts that are immediately and uncritically accepted as legitimate knowledge claims, the knowledge claims of the investigative reporter are firmly grounded in an elaborate, though imprecise, process that yields a degree of certainty about the convergence of facts into a truthful story (Ettema and Glasser, 1985). Here we focus on another aspect of the investigative reporter's epistemology: if the investigative reporter's goal is to expose wrongdoing, how does he or she know what constitutes wrong conduct? That is, as an epistemological dilemma, how does the investigative reporter deal with the question of morality?

We begin with the connection between news judgment and moral judgment. Are they distinguishable? If so, how? To examine this question, we turn to a handful of award-winning investigative reporters whose stories we have studied and with whom we have conducted indepth interviews. We concentrate here on four

of those reporters: Loretta Tofani of the Washington Post, who won a Pulitzer in 1983 for a story on rapes in the Prince George's County (Maryland) Detention Center; Jeffrey Marx of the Lexington (Kentucky) Herald-Leader, who with Michael York won the 1986 Pulitzer in investigative journalism for their report on corruption in the University of Kentucky athletic program; William Marimow of the Philadelphia Inquirer, who won a Pulitzer in 1985 for his investigation of out-of-control police dogs; and Pam Zekman of WBBM-TV in Chicago, who won an Investigative Editors and Reporters (IRE) award for a four-part mini-documentary series on how the Chicago police underreported crime.

News Judgment or Moral Judgment?

Among the investigative reporters we interviewed, the distinction between news judgment and moral judgment tends to blur. And it blurs due in large measure to the kind of wrongdoing on which their investigations are likely to focus--conduct so blatantly and obviously wrong that no one, they believe, can reasonably challenge their moral claims. That is, investigative journalism operates within what Hallin (1984) calls a "sphere of consensus," where there is little or no disagreement concerning what constitutes a controversial claim. Zekman illustrates when she explains that the subjects she picks for her investigative stories are "pretty clear cut":

> I mean, I haven't exactly picked real gray areas. With most investigative stories, I think it should be pretty black or white. There are some stories that obviously get into shades of gray, but if you're going to get up and accuse people of crime, or of wrongdoing, it better be pretty black or white.

Similarly, Tofani distinguishes between enterprise stories where "there is a real gray area that comes out" and investigative stories where "it's clear to me there is a wrong." Although for Tofani it is not always initially clear that she is working on an investigative--as opposed to an enterprise--story, her jail rape series began with a "gut sense" of wrongdoing:

> I was sitting in the courtroom and I see a young man and his lawyer. The lawyer is telling the judge that her client, who can't be over 18 years old, has been gang raped in the county jail. Well, looking at that kid, I felt really awful I mean, I was disturbed about it. This is the first time I had ever seen a young man who had been gang raped and, although I knew, theoretically, that men get raped in jail...it was the first time I was ever really confronted with it and it did really bother me.
>
> So I talked to the judge and found out it happened all the time. Then I ended up talking to other...I found other rape victims and talked to them. In talking to them, the stories came out of how they were brutalized--I mean, not just physically...emotionally. They're still not over it. And, I guess, just visualizing what happened--you know, they're in a jail cell, they've been picked up for shop-lifting, they're put in with a bunch of murderers, they're screaming and no guard comes to their rescue. And they have to endure the humiliation of being gang raped.... How can you find that not wrong?

When asked if she could imagine others not sharing her sense of outrage, she acknowledged that

> ...maybe there would be some really highly insensitive people in the world who would not view that as wrong, who would say "Look, the guy was in jail and what do you expect when you go to jail." In fact, I encountered people along the way who said that to me--you know, even judges--and that did make me stop and think. I realized there was another point of view out there. But I just didn't see it that way. That [gang rape] was just like one of the worst possible experiences that a human being could go through.

For Marimow, knowing what is wrong is at best a necessary--but certainly not a sufficient--condition for an investigative story. Morality may be a threshold question, but the "ultimate"

and "fundamental" question is that of importance and newsworthiness. Like Zekman and Tofani, Marimow describes his judgment less in terms of why he regards certain conduct as wrong and more in terms of why he regards certain wrongful conduct as newsworthy:

> . . . it seems to me that the right and wrong may be a threshold question but not a fundamental question. The fundamental question . . . the ultimate question is, is this important? Is this newsworthy? Not whether it's right or wrong. That's ancillary and important, but not the ultimate judgment. I mean, clearly, it's wrong if you lie about your age on your driver's license. That's lying; that's not good, [and] that's a moral judgment that I make. Gary Hart did it, for whatever reason. Is that newsworthy? Not in my opinion.

Marimow elaborates with reference to his prize-winning story on the Philadelphia police department's K-9 unit, whose dogs were apparently out of control:

> . . . let's go to the canine cases. Are these attacks warranted? Yes or no? No, they look questionable. Is there a standard by which I can gage whether they're justifiable, questionable or really unwarranted? Not a real clear one, but you can get a sense of it. . . . Is it newsworthy? Well, in my opinion, if people sworn to uphold the law are alleged to be violating people's civil rights over and over again, that's important. Why is it important? It's important because these people are entrusted with great power and authority and these dogs are capable of inflicting great physical, psychological harm. And the city must know about [it] because there're dozens of civil suits being filed and nothing . . . yet, nothing happening. The officers go back to the street time and time again. So I think, for me, the ultimate question becomes a question of importance and not right or wrong.

But perhaps the most striking illustration of the power and primacy of news judgment is Jeffrey Marx and his story about corruption at the University of Kentucky. The first four paragraphs of his story, co-authored with Michael York, summarize the moral transgressions:

> For years, ordinary fans have rewarded University of Kentucky basketball players with a loyality that is nationally known. What is less known is that a small group of boosters has been giving the players something extra: a steady stream of cash.
>
> The cash has come in various amounts--as little as $20 and as much as $4,000 or more--and it has come often.
>
> UK players have received what they call "hundred-dollar handshakes" in the Rupp Arena locker room after games. They have visited the offices and homes of boosters to receive gifts of up to $500 at a time. They have sold their free season tickets for $1,000 each or more, and they have pocketed excessive payments for public appearances and speeches.
>
> The payments and other benefits directly violated the rules of the National Collegiate Athletic Association.

In the letter accompanying their submission to the Pulitzer Board, Marx's editors described the story as being about the "dark side of the UK [basketball] tradition"; and, quoting the New York Times, they said it delineated "the sordid underside of college sports." There was apparently no doubt in the editors' minds that what Marx and York had documented was not only wrong but wrong enough to be newsworthy. And the Pulitzer Board agreed when it awarded Marx and York the 1986 Pulitzer Prize for investigative reporting.

For Marx, however, violating the NCAA rules did not amount to a moral transgression serious enough to justify its treatment as a major, investigative story. Indeed, when asked what made it a good investigative story, a question we posed to all the reporters we interviewed, Marx responded:

> I'm not even sure it was a good "investigative" story. I felt like it was an excellent sports story that we had to do some good reporting to get. In my own mind, I'm still wondering how we ended winning a prize like that for investigative reporting.

Unlike Zekman, Tofani, and Marinov, who were integrally involved in judging the newsworthiness of their respective stories, Marx was assigned--without consultation--to his story. And as it turned out, Marx did not share his editors' sense of news. Although he acknowledged that violating the NCAA rules was wrong, he was not convinced that the rules themselves were a reasonable standard:

> I personally don't think there's necessarily something wrong with paying college athletes. It is breaking the rules. That's what makes it wrong. But forgetting the rules for a minute . . . I'm not sure there's something wrong with that [paying athletes]. But if you go beyond that and say that once you acknowledge that the rules exist and that you're going to follow them, then that can be considered wrongdoing.

Marx, then, faced a "personal battle," as he put it--trying, on the one hand, to present the NCAA violations as "this terrible thing" and realizing, on the other hand, that he did not really "see that much wrong." Consequently, Marx did not experience the "righteous indignation" that presumably motivates the investigative reporter. Or as he expressed it in more colloquial terms, "I didn't have that motivation of really being pissed off about what was going on as I have in a couple of other stories I did."

Thus what Jeff Marx and his story illustrate is how utterly irrelevant an individual reporter's values can be, unless of course those values happen to coincide with the values that have come to define news. And this, in turn, underscores the power of professionalism: once the story was assigned, it became inappropriate to consider its moral dimensions. The question could not be whether the NCAA's rules were right or wrong. The only relevant question was how would the newspaper demonstrate the impro-

priety and, by so doing, show the community how its moral order had been disturbed. Gans, then, is essentially correct when he observes that in moral disorder stories "the values being violated are never made explicit, and that they are being violated is not discussed" (1979: 56).

Taken together, the experiences of Zekman, Tofani, Marimow, and Marx suggest that whoever has the power to define news has the power to define moral disorder. To be sure, news judgment--historically and culturally--implies moral judgment, especially for the investigative reporter whose stories almost always focus on wrongdoing. But since the moral judgment is deeply embedded in the structure of news, questions of morality go largely unnoticed. Thus news judgment supersedes moral judgment in such a way that the former encompasses, and thereby conceals, the latter. Marimow demonstrates this quite well when he observes that reporters and editors "do act as judges and juries about what's newsworthy, but I think that stems not so much from right and wrong but important or unimportant." But nothing better illustrates this than Marx's personal dilemma. Personally, he did not find the NCAA violations to be of great moral consequence; but professionally, he was faced with the inescapable logic of news--it is newsworthy, therefore it is wrong.

From Moral Claims to Empirical Claims

Because investigative reporters, like other journalists, need to maintain their moral neutrality, the moral claims on which their stories are based cannot be made explicit and their

sense of wrongdoing cannot be assessed. Rather, professionalism in journalism requires that the reporter document the wrongdoing and provide the transgressor with an opportunity to deny the transgression. But documenting the transgression requires something more than establishing it existence. Reporters also need to establish why the wrongful conduct is wrong.

Documenting the transgression is largely a matter of gathering evidence and assessing its quality (Ettema and Glasser, 1985). But establishing that the transgression is in fact a transgression requires an additional process--transforming moral claims into empirical claims so that, ultimately, the moral standards used to convey wrongdoing appear to be as empirically unambiguous as the evidence used to document the transgression's very existence. By definition, this process of reification involves the "naturalization" of moral claims; morality becomes not a judgment but a fact, and facts can be objectively reported. The investigative reporters we studied accomplish this through their appeal to various moral authorities; this, in turn, involves four broadly distinguishable strategies:

1. citing the law
2. citing codes of conduct
3. citing experts
4. appealing to common sense

These strategies, like the strategies identified by Tuchman (1972) in her study of the conventions of objective reporting, serve to insulate reporters from the charge of bias. By citing moral authorities and by uncritically accepting the authorities' sense of right and wrong, investigative reporters can maintain their allegiance to the ethic of objectivity and at the same time

deal with the kind of moral deviance they regard as newsworthy. Marimow illustrates this process through the use of experts, individuals who could be used to establish why the handling of the K-9 unit was clearly wrong:

> If you look at the K-9 story, you'll see I like to have something to measure conduct by. . . . After the questions were raised about the necessity for these attacks, I said, "Well, what specifically do the guidelines say?" I found a deposition given by Morton B. Solomon, former police commissioner of Philadelphia in which he equated the use of dogs to the use of deadly force. You can use them when the police officer's life is in mortal danger, when another citizen's life is in mortal danger . . . or to apprehend a fleeing felon. That was what the police commissioner said was the appropriate use of dogs. I wasn't satisfied with that. I went out and found the head of the New York Transit Aughority's K-9 unit and he said, "No, Solomon's wrong. Dogs are like blackjacks or nightsticks--another law enforcement tool." So through those two people I was able to establish parameters.

For the story that appeared in the Philadelphia Inquirer, Marimow used the stricter standard set by the former police commissioner:

> A three-month Inquirer investigation has found that a hard core of errant K-9 police officers and their dogs is out of control. Furthermore, the police department has made no attempt to hold these men or their colleagues to any sort of written guidelines or standard procedures spelling out when to attack and when to hold back. Nor has the department shown any interest in monitoring the performance of its 125-member K-9 unit or trying to keep track of unjustified attacks by dogs. . . .
>
> Former police commissioner Morton B. Solomon, in a deposition taken in February 1982, stated that there were only three circumstance in which he believed a dog should be commanded to attack--protect an officer's life, to protect another person's life or to apprehend a fleeing felon. But these are only Solomon's beliefs, not the rules that actually govern the officer and dog on the street.

Zekman's story serves well to illustrate the use of codes of conduct to establish the basis for the moral transgression she

reported. The FBI and its standards for reporting crime became Zekman's moral authority. Quoting from her story:

> . . . Chicago has a secret weapon for making serious crimes disappear. Here's how it works: the police say the victim's complaint is unfounded--in effect, that the crime never happened. The police rubberstamped that conclusion on more than 9,000 robbery cases last year--one out of every three. By comparison, New York, Los Angeles and St. Louis unfounded fewer than one out of a hundred. We wondered why Chicago is so out of line when it's supposed to follow the same FBI guidelines as all other cities.

But Zekman went beyond the FBI standard and included a section in her story called "why you should care," which basically outlined the undesirable consequences of the police department's method of reporting crime. She explains:

> . . . there was a section on killing crime--we call it the "why [you] should care" section and we sort of laid it out--here's why this affects you, here's why you should care about [it]. And it's not necessarily a law that's been broken or a professional ethical consideration that's laid down in some statement of ethics by some professional organization. We showed people how it affects manpower; [how] it affects manpower deployment in their community. . . .

Tofani, in contrast, found it difficult to locate appropriate standards. The only experts she could find were what she called "self-styled experts" who seemed to be "on Mars." They were not, therefore, acceptable as moral authorities. Accordingly, Tofani, like Zekman, appealed to common sense by citing what she viewed as obviously undesirable consequences, as this excerpt from her story illustrates:

> It is not known whether the rape problems in the Prince George's County jail are more or less serious than in other jails throughout the country. Few people have studied the problem of jail rapes; those who have studied it tend to produce more theories than facts. Perhaps as a result, the problem of jail rape is not a public issue; only rarely is it even a topic of discus-

> sion at conventions for jail officials, according to penologists.
>
> Yet it is a problem with serious consequences. Men who were raped in the county jail say the experiences left them shocked, disoriented and unable to concentrate on their upcoming trials. Of 15 victims who were interviewed, three were later treated in mental institutions....

Thus the investigative reporters we interviewed deal with morality not as a question of values but as a fundamentally empirical construct. The moral claims they use in their stories become little more than standards of compliance. The nature of the standards and the grounds for compliance are largely irrelevant questions. Because standards of compliance are taken to be authoritative and are presented uncritically, a lack of compliance becomes prima facie evidence of wrongdoing. Although Marx found the NCAA rules to be not very useful and compliance with them not very important, once those rules became moral authority, their violation was necessarily wrong: "What was wrong was that they were breaking rules consistently and with really a reckless disregard for the rules. They didn't care what the rules were."

The Press and Morality

That investigative reporters do not make moral judgments, as the reporters we interviewed insist, is quite true if news is viewed at the level of its surface content. Investigative reporters claim to be morally disengaged by transforming moral claims into empirical claims. But the empirical claims on which investigative reporters base their knowledge of right and wrong are themselves a bias--a bias detectable, however, only when news is viewed at the level of its deep structure.

The tradition of an adversary or watchdog press and the practices of investigative journalism do not represent an "adversary culture" (cf. Trilling, 1965) and hence a threat to enduring values, as Moynihan (1971) would have us believe. On the contrary, when the press casts itself in the role of guardian of the moral order it preserves, not challenges, dominant values. Investigative reporters tend to use the most authoritative, and thus least controversial, sources for establishing wrongdoing. Moreover, they tend to focus their stories to only the most obvious instances of wrongdoing. The history and conventions of investigative journalism thus suggest to us a fundamentally conservative role for the press.

But in contrast to Gans (1979) who depicts this conservative role as one that "reinforces" and "relegitimates" the status quo, we are inclined to present the press in a far more active role. Rather than Gans' "reflection of consensus" role for the press, which is entirely consistent with the effects tradition in mass communication research and thus a plausible position for a mainstream American Sociologist to take, we find more compelling Hall's (1982) "production of consensus" argument. From Hall's perspective, the press actively fashions and simultaneously legitimates the very consensus it ostensibly only conveys. The press, therefore, is an active player in defining moral order.

By selecting the moral standards it uses to define moral disorder news, the press in general, and investigative journalism in particular, is quite active--not merey reactive--in the role it plays in determining what the moral order is and when it needs the kind of surveillance only the press can provide. This, of

course, is a considerable moral judgment on the part of the press and an ideological orientation of no small consequence. But because the press selects from among a limited range of dominant moral standards, accepts these standards uncritically, and presents them "objectively," the press can evade responsibility for its contribution to defining and legitimating what usually appears to be an "independent" moral order.

The ideological consequences of investigative journalism are best understood in terms of the lack of a connection betweeen the press and discussions of morality. The tradition of a watchdog press and the practices of investigative journalism function to subvert discussion about moral issues--especially the moral issues surrounding the moral standards journalists use to determine moral disorder news. Consequently, the press not only legitimates the prevailing moral order but undermines its rationality by preempting critical attention to it. Callahan speaks to the same issue in his assessment of the relationship between the press and Congress:

> . . . the norm of objectivity makes journalists reluctant to cover ethical issues until they become so tangible that they are part of the public record. Journalists are reluctant to raise ethical issues or to analyze them on their own. For the most part they approach ethical issues only indirectly, through quotes elicited from others. As a result, legislative ethics is molded by journalistic practice into the form of charges and countercharges, accusations and denials. This distorts the process of moral dialogue and reflection in the legislative setting and leads to a preoccupation with what former Congressman Richard Preyer call "scandal ethics" (1985: 19).

In sum, the journalists we have examined here can deny their moral claims--and thereby deny the moral basis of a watchdog or

adversary press--because morality is embedded in the structure of news as a form of discourse. And what defines the press' moral charge is not the values of individual journalists we interviewed but the values that have come to define news-as-discourse. These values become evident only in a historical and cultural treatment of news; they do not become apparent by examining news at the level of its surface meaning.

[1]The literature on investigative journalism includes several profiles of personalities, projects, and organizations (Downie, 1976; Dygert, 1976; Behrens, 1977; Weir & Noyes, 1983; Lawler, 1984; Patterson & Russell, 1986) as well as a variety of "how to" books (Anderson & Benjaminson, 1976; Bolch & Miller, 1978; Mollenhoff, 1981; Ullmann & Honeymoon, 1983).

[2]See also Dygert (1976), whose book The New Muckrakers is subtitled "Folk Heroes of a New Era"; and Bolch and Miller (1978: 1-12), whose introductory chapter is called "The New American Hero."

[3]For other critiques of the idea of an adversary press, see Pool (1973) and Bethell (1977).

[4]For a discussion of the values embedded in the news story's structure, see Hall et al. (1978).

[5]For a discussion of objectivity as the dominant--and thus "normal"--journalistic paradigm, see Hackett (1984). For a related discussion, see Hall (1982).

[6]See Katz (1987) for an interesting account of the symbolic value of crime news "in articulating the normatively unexpected," where the public's appetite for news about crime, especially violent crime, is "understood as serving readers' interests in re-creating daily their moral sensibilities through shock and impulses of outrage" (67).

[7]According to Schiller (1981), the National Police Gazette, a 5-cent weekly published during the mid-1800s, is a "fair index of tendencies in mainstream commercial journalism"; for it "merely raised the tactic of exposure of civil and criminal corruption to a new level of prominence" (125).

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